

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	8:04CR197
	)	
Plaintiff,	)	
	)	
vs.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
CAREY R. CARLSON,	)	
	)	
Defendant.	)	

The defendant has filed a status report that indicates he wishes to proceed to sentencing even though I have rejected the plea agreement and may dispose of the case less favorably than the plea agreement contemplates. The defendant also requests leave to submit additional objections to the presentence report.

I will set the matter for sentencing. At this time, I will not allow the defendant to submit additional objections to the presentence report. The defendant has already objected to drug quantity, lack of an acceptance of responsibility reduction, and criminal history. My rejection of the plea agreement does not necessarily and obviously justify *additional* objections to the presentence report. Previously, the parties were given an opportunity to object to the presentence report, the defendant did so and I have already issued tentative findings regarding the presentence report. If the defendant subsequently explains why the interests of justice will now be served by allowing consideration of some as new objection I may reconsider this ruling. Until then,

IT IS ORDERED that:

1. This case shall proceed to sentencing on Tuesday, May 9, 2006, from 12:30-1:30 p.m., and one hour is allotted to consider all evidentiary questions.<sup>1</sup>
2. We will take up the defendant's objection to drug quantity, acceptance of responsibility and criminal history at sentencing. The government is reminded that

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<sup>1</sup>If more time is need, the lawyers shall promptly advise me.

it has the burden of proof on drug quantity and criminal history and that it should be prepared to present evidence on those subjects.

3. If the defendant wishes to file additional objections to the presentence report, the defendant shall first submit a motion with a brief describing the objections and explaining the reasons why I should now consider additional objections. That motion shall be filed no later than April 21, 2006.

April 12, 2006.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge